

1 into evidence.)

2 MR. EMMONS: Now, I'll identify the next ten
3 exhibits. TBF Exhibit 221, Your Honor is -- consists of 16
4 pages, the first 11 pages of which constitute a document
5 entitled "Agreement," with an attached Exhibit. And pages 12
6 through 16 of which constitute a document entitled "Option to
7 Buy Agreement," with an Exhibit attached to it.

8 (Whereupon, the document referred to
9 as TBF Exhibit No. 221 was marked for
10 identification.)

11 MR. EMMONS: TBF Exhibit 222, Your Honor, is a two
12 page document, which is a letter from Mr. Steve Fenstermacher,
13 dated August 12, 1991.

14 (Whereupon, the document referred to
15 as TBF Exhibit No. 222 was marked for
16 identification.)

17 MR. EMMONS: TBF Exhibit 223 is a one page document
18 which is a letter to Mr. Steve Fenstermacher dated August 22,
19 1991.

20 (Whereupon, the document referred to
21 as TBF Exhibit No. 223 was marked for
22 identification.)

23 MR. EMMONS: TBF Exhibit 224 consists of five pages,
24 each page of which is a letter dated June 26, 1991, addressed
25 to Raystay Company.

1 (Whereupon, the document referred to
2 as TBF Exhibit No. 224 was marked for
3 identification.)

4 MR. EMMONS: TBF Exhibit 225 is a one page Exhibit,
5 which is a letter dated August 12, 1991, addressed to Raystay
6 Company.

7 (Whereupon, the document referred to
8 as TBF Exhibit No. 225 was marked for
9 identification.)

10 MR. EMMONS: TBF Exhibit 226 is a fax transmittal
11 page, one page document, bearing the date August 29, 1991.

12 (Whereupon, the document referred to
13 as TBF Exhibit No. 226 was marked for
14 identification.)

15 MR. EMMONS: TBF Exhibit 227 is a one page document
16 which is a letter to Mr. David Gardner dated September 4,
17 1991.

18 (Whereupon, the document referred to
19 as TBF Exhibit No. 227 was marked for
20 identification.)

21 MR. EMMONS: TBF Exhibit 228 is a telephone record
22 testimony, elsewhere establishes this is a telephone record
23 from the records of Waymaker (phonetic) Company, which is
24 related to Raystay Company, document, one page.

25 (Whereupon, the document referred to

1 as TBF Exhibit No. 228 was marked for
2 identification.)

3 MR. EMMONS: TBF Exhibit 229 is a one page document
4 which is a telefax cover sheet, dated October 17, 1991.

5 (Whereupon, the document referred to
6 as TBF Exhibit No. 229 was marked for
7 identification.)

8 MR. EMMONS: And TBF Exhibit 230 is a one page
9 document which is a letter dated October 30, 1991, addressed
10 to Mr. George Sebastian.

11 (Whereupon, the document referred to
12 as TBF Exhibit No. 230 was marked for
13 identification.)

14 JUDGE CHACHKIN: The documents described are marked
15 for identification as TBF Exhibit 221 to 230.

16 MR. EMMONS: I now offer into evidence, Your Honor,
17 TBF Exhibit 221.

18 JUDGE CHACHKIN: Any objections?

19 MR. SCHAUBLE: Yes, Your Honor.

20 JUDGE CHACHKIN: The same objection?

21 MR. SCHAUBLE: The same objection, Your Honor.

22 JUDGE CHACHKIN: Overruled. TBF Exhibit 221 is
23 received.

24 (Whereupon, the document referred to
25 as TBF Exhibit No. 221 was received

1 into evidence.)

2 MR. EMMONS: I next offer, Your Honor, TBF Exhibit
3 222.

4 JUDGE CHACHKIN: Objection?

5 MR. SCHAUBLE: Objection on the same basis, Your
6 Honor.

7 JUDGE CHACHKIN: Objection is overruled, and TBF
8 Exhibit 222 is received.

9 (Whereupon, the document referred to
10 as TBF Exhibit No. 222 was received
11 into evidence.)

12 MR. EMMONS: I now offer TBF Exhibit 223.

13 JUDGE CHACHKIN: The same objection?

14 MR. SCHAUBLE: Yes, Your Honor.

15 JUDGE CHACHKIN: The objection is overruled, TBF
16 Exhibit 223 is received.

17 (Whereupon, the document referred to
18 as TBF Exhibit No. 223 was received
19 into evidence.)

20 MR. EMMONS: I now offer TBF Exhibit 224.

21 JUDGE CHACHKIN: Same objection?

22 MR. SCHAUBLE: This is a slightly different
23 objection.

24 JUDGE CHACHKIN: All right.

25 MR. SCHAUBLE: Your Honor, this is a new matter

1 here.

2 JUDGE CHACHKIN: All right.

3 MR. SCHAUBLE: We're dealing with negotiations
4 between Raystay Company and Trinity, which were never
5 consummated in the sense, if you see Exhibit 238, again as of
6 December 3rd, 1991, which was prior to the preparation in the
7 filing of the first extension applications, these negotiations
8 were terminated, so they clearly had no effect on -- Raystay
9 clearly did not file -- its motivation for filing extension
10 was not in order to consummate or complete a deal with
11 Trinity, and therefore I don't think the relevance of the
12 designated issue.

13 The specific problem I have with this Exhibit is
14 this is an apparent -- I believe the record reflects that this
15 is an unsolicited -- this is an unsolicited document that was
16 received by Raystay prior to there being any contact between
17 Raystay and Trinity.

18 I believe the discovery records reflect that
19 negotiations between Raystay and Trinity did not start in June
20 of 1991, but the negotiations did not begin until late August,
21 1991. And so therefore even assuming that there's some
22 relevance to the discussions between Raystay and Trinity,
23 these documents are not connected.

24 At most what these documents show is that Trinity
25 had an interest in purchasing the -- at that point in time.

1 MR. EMMONS: Well, Your Honor, the negotiations with
2 Trinity for sale of the various construction permits to which
3 Mr. Schauble has correctly alluded, are part of a directly
4 relevant course of conduct that goes to Raystay's intent to
5 build or not to build the stations.

6 This is the first page in that chapter, and I
7 believe that the testimony will reflect that these letters
8 were received and understood by Raystay as constituting an
9 offer -- not an offer, but an expression of interest by
10 Trinity which then ripened into a negotiation starting about
11 two months later, and continuing for three or four months,
12 Your Honor. So it's directly relevant.

13 JUDGE CHACHKIN: All right. The objection is
14 overruled, TBF Exhibit 225 is received.

15 (Whereupon, the document referred to
16 as TBF Exhibit No. 224 was received
17 into evidence.)

18 JUDGE CHACHKIN: Again, I'm making clear that
19 Trinity has the burden of proceeding and the burden of proof,
20 and if they fail to tie up these documents, you can move to
21 have them stricken.

22 MR. SCHAUBLE: Very well, thank you, Your Honor.

23 JUDGE CHACHKIN: But I'm giving them an opportunity,
24 since they have the burden to proceed. They've indicated to
25 me it's relevant, and until it's demonstrated otherwise, I'll

1 permit them to go forward. Unless it's clearly not relevant.

2 MR. EMMONS: That was 224, Your Honor.

3 JUDGE CHACHKIN: Yes.

4 MR. EMMONS: So now at this point I would offer TBF
5 Exhibit 225.

6 MR. SCHAUBLE: Same objection, Your Honor.

7 JUDGE CHACHKIN: Objection is overruled, TBF Exhibit
8 225 is received.

9 (Whereupon, the document referred to
10 as TBF Exhibit No. 225 was received
11 into evidence.)

12 MR. EMMONS: Next I'll offer TBF Exhibit 226.

13 JUDGE CHACHKIN: Objection?

14 MR. SCHAUBLE: Same objection, Your Honor.

15 JUDGE CHACHKIN: Objection is overruled, TBF Exhibit
16 226 is received.

17 (Whereupon, the document referred to
18 as TBF Exhibit No. 226 was received
19 into evidence.)

20 MR. EMMONS: Your Honor, at this point, I'd ask the
21 reporter at this point if I'm going too fast, because while we
22 were off the record, she asked me to slow down.

23 JUDGE CHACHKIN: All right.

24 COURT REPORTER: I have a -- I'm keeping up with the
25 system.

1 JUDGE CHACHKIN: Okay, if you need more time, just
2 indicate and we'll slow down.

3 MR. EMMONS: Next Your Honor, I'd offer TBF Exhibit
4 227.

5 MR. SCHAUBLE: Same objection, Your Honor.

6 JUDGE CHACHKIN: The objection is overruled, TBF
7 Exhibit 227 is received.

8 (Whereupon, the document referred to
9 as TBF Exhibit No. 227 was received
10 into evidence.)

11 MR. EMMONS: Next Your Honor, I'd offer TBF Exhibit
12 228.

13 MR. SCHAUBLE: Your Honor, I have no objection to
14 this document, because I believe this is connected to a
15 statement made in the extension application.

16 MR. EMMONS: All right. TBF Exhibit 228 is
17 received.

18 (Whereupon, the document referred to
19 as TBF Exhibit No. 228 was received
20 into evidence.)

21 MR. EMMONS: Next I'd offer TBF Exhibit 229.

22 MR. SCHAUBLE: Same objection, Your Honor.

23 JUDGE CHACHKIN: Oh, you have an objection to this
24 one?

25 MR. SCHAUBLE: Yeah, I had no objection to 228. I

1 object to 229 --

2 JUDGE CHACHKIN: All right.

3 MR. SCHAUBLE: -- on the same -- on the basis that
4 I've stated previously --

5 JUDGE CHACHKIN: Yes.

6 MR. SCHAUBLE: -- with respect to 224 through 227.

7 JUDGE CHACHKIN: Yes. All right. The objection is
8 overruled. TBF Exhibit 229 is received.

9 (Whereupon, the document referred to
10 as TBF Exhibit No. 229 was received
11 into evidence.)

12 MR. EMMONS: Next I'll offer TBF Exhibit 230.

13 JUDGE CHACHKIN: Objection?

14 MR. SCHAUBLE: Same objection, Your Honor.

15 JUDGE CHACHKIN: The objection is overruled, TBF
16 Exhibit 230 is received.

17 (Whereupon, the document referred to
18 as TBF Exhibit No. 230 was received
19 into evidence.)

20 MR. EMMONS: I'll now identify the next ten
21 exhibits. TBF Exhibit 231 is a one page document which is a
22 handwritten memorandum dated October 30, 1991.

23 (Whereupon, the document referred to
24 as TBF Exhibit No. 231 was marked for
25 identification.)

1 MR. EMMONS: TBF Exhibit 232 is a two page letter
2 addressed to Mr. David A. Gardner, dated November 7, 1991.

3 (Whereupon, the document referred to
4 as TBF Exhibit No. 232 was marked for
5 identification.)

6 MR. EMMONS: TBF Exhibit 233 is a one page document,
7 letter addressed to Mr. David Gardner dated November 11, 1991.

8 (Whereupon, the document referred to
9 as TBF Exhibit No. 233 was marked for
10 identification.)

11 MR. EMMONS: TBF Exhibit 234 is a document -- well,
12 excuse me, it's an exhibit that totals 60 pages, consisting of
13 -- let me just say consisting of several documents entitled
14 "Asset Purchase Agreement," they are separated by blue divider
15 pages, to indicate where one of the documents leaves off and
16 the next one begins. All together the Exhibit totals 60
17 pages.

18 (Whereupon, the document referred to
19 as TBF Exhibit No. 234 was marked for
20 identification.)

21 MR. EMMONS: TBF Exhibit 235 is a one page
22 handwritten memorandum dated 11 -- dated November 13, 1991.

23 (Whereupon, the document referred to
24 as TBF Exhibit No. 235 was marked for
25 identification.)

1 MR. EMMONS: TBF Exhibit 236, again this is a
2 document -- an Exhibit totalling 20 pages, consisting of a
3 series of discrete documents, each entitled "Asset Purchase
4 Agreement," and again with blue divider pages separating the
5 -- one document from the next.

6 (Whereupon, the document referred to
7 as TBF Exhibit No. 236 was marked for
8 identification.)

9 MR. EMMONS: TBF Exhibit 237 is an Exhibit that
10 totals eight pages, consisting of the series, I believe four,
11 in total, FCC form 345. It was certain pages of FCC form 345
12 which bear some typed writing and some handwritten notations.
13 As I say the document -- the Exhibit totals eight pages.

14 (Whereupon, the document referred to
15 as TBF Exhibit No. 237 was mrked for
16 identification.)

17 MR. EMMONS: TBF Exhibit 238 is a one page document,
18 handwritten note dated December 30, 1991.

19 (Whereupon, the document referred to
20 as TBF Exhibit No. 238 was marked for
21 identification.)

22 MR. EMMONS: TBF Exhibit 239 is a one page
23 memorandum to Robert Shatner (phonetic) from Lee Sandifer,
24 S-A-N-D-I-F-E-R, dated October 22, 1991.

25 (Whereupon, the document referred to

1 as TBF Exhibit No. 239 was marked for
2 identification.)

3 MR. EMMONS: And TBF Exhibit 240 is a letter
4 undated, addressed to Raystay Company, and George F. Gardner,
5 from Dennis Grolman, G-R-O-L-M-A-N.

6 (Whereupon, the document referred to
7 as TBF Exhibit No. 240 was marked for
8 identification.)

9 JUDGE CHACHKIN: Documents described are marked for
10 identification as TBF Exhibits 231 through 240.

11 MR. EMMONS: TBF offers at this point, Your Honor,
12 TBF Exhibit 231.

13 JUDGE CHACHKIN: Well, let's make clear, you're
14 offering all the Exhibits.

15 MR. EMMONS: Okay.

16 JUDGE CHACHKIN: So let's proceed. Any objection to
17 231?

18 MR. SCHAUBLE: Yes, Your Honor, same objection as
19 stated previously.

20 JUDGE CHACHKIN: Objection is overruled, TBF Exhibit
21 231 is received.

22 (Whereupon, the document referred to
23 as TBF Exhibit No. 231 was received
24 into evidence.)

25 JUDGE CHACHKIN: Any objection to 232?

1 MR. SCHAUBLE: Yes, Your Honor, I have the same
2 objection, but I also have a different objection.

3 JUDGE CHACHKIN: Go ahead and state it.

4 MR. SCHAUBLE: This letter appears to relate not to
5 this concerning reimbursement for expenses. This letter
6 appears to relate not to this issue, but to another issue
7 which Your Honor has added against Glendale, which is not
8 being tried at this time, and I don't -- even assuming
9 arguendo that the negotiations between Raystay and Trinity
10 have some relevance, I don't understand what relevance this
11 particular document has to the issue.

12 JUDGE CHACHKIN: Mr. Emmons?

13 MR. EMMONS: Well, Your Honor, it does relate to the
14 other issue as well, but it directly relates to this issue as
15 well, in particular as reflected by the very first sentence of
16 the letter.

17 It reflects either intent or contemplation of that
18 Raystay, at this point in time, November 7, 1991, would be
19 selling the five -- built low power construction permits, so
20 that goes again to the question of intent to sell, which goes
21 to the motive for statements made in the extension
22 applications.

23 JUDGE CHACHKIN: In other words, you're not offering
24 the portions which deal with the amounts involved, and things
25 of that nature?

1 MR. EMMONS: The amounts are not relevant at all for
2 this issue, Your Honor. I wouldn't want to exclude the, you
3 know, document, but I'll represent to you that in Trinity's
4 view, the amount stated in the letter here have no bearing on
5 the current designated issue.

6 JUDGE CHACHKIN: So the only purpose offering this
7 is to show the intent of --

8 MR. EMMONS: That's right.

9 JUDGE CHACHKIN: -- Raystay to sell these
10 authorizations?

11 MR. EMMONS: That's correct, Your Honor.

12 JUDGE CHACHKIN: All right, for that limited
13 purpose, I'll receive TBF Exhibit 232.

14 (Whereupon, the document referred to
15 as TBF Exhibit No. 232 was received
16 into evidence.)

17 JUDGE CHACHKIN: Objection to 233?

18 MR. SCHAUBLE: Yes, Your Honor, same objection.

19 JUDGE CHACHKIN: Overruled. TBF Exhibit 233 is
20 received.

21 (Whereupon, the document referred to
22 as TBF Exhibit No. 233 was received
23 into evidence.)

24 JUDGE CHACHKIN: Objections to 234?

25 MR. SCHAUBLE: Yes, Your Honor, I have the same

1 objection, and I also have -- also -- these are, I believe the
2 record will reflect that these asset purchase agreements were
3 sent from Trinity to Raystay.

4 And again assuming arguendo that the -- that the
5 negotiations between Trinity and Raystay were relevant, the
6 fact that these agreements which were never consummated, these
7 are different from Exhibits 218 through 221, where you know,
8 there were final signed agreements, and there were never any
9 final signed agreements, are we going to have extensive
10 questioning about his agreements and the markings on these?

11 I don't think the details of all these -- all these
12 drafts, which never became final agreements would add anything
13 to the record.

14 MR. EMMONS: Well, Your Honor, this again is part of
15 the course of conduct involved in Raystay's negotiations with
16 Trinity for the sale of these construction permits. There
17 will be questioning of witnesses on the -- there won't be
18 extensive questioning, but there will be questioning of
19 witnesses on these drafts, and on what happened to them.

20 MR. SCHAUBLE: Your Honor --

21 MR. EMMONS: As why.

22 JUDGE CHACHKIN: So you're saying the contents
23 themselves are not relevant, just the fact that these
24 agreements were discussed, is that --

25 MR. EMMONS: Primarily that's the case Your Honor,

1 right.

2 JUDGE CHACHKIN: And this will only serve as --

3 MR. EMMONS: It will serve --

4 JUDGE CHACHKIN: -- point of reference for these
5 discussions, basically, rather than the contents themselves.
6 In other words, they'll -- well, he's indicated the manner in
7 which he intends to use the documents. So we're no interested
8 -- we're not interested in the contents themselves, only the
9 circumstances surrounding the fact that these agreements were
10 trans -- were sent to Raystay. And what that represents.

11 MR. SCHAUBLE: Very well, Your Honor.

12 JUDGE CHACHKIN: All right. TBF Exhibit 234 is
13 received for the purpose indicated.

14 (Whereupon, the document referred to
15 as TBF Exhibit No. 234 was received
16 into evidence.)

17 MR. EMMONS: Your Honor, I think you misstated,
18 that's 234 not 34.

19 JUDGE CHACHKIN: 234, I'm sorry. Any objection to
20 235?

21 MR. SCHAUBLE: Yes, Your Honor, the same general
22 objection stated previously.

23 JUDGE CHACHKIN: All right. TBF Exhibit 235 is
24 received.

25 (Whereupon, the document referred to

1 as TBF Exhibit No. 235 was received
2 into evidence.)

3 JUDGE CHACHKIN: Any objection to 236?

4 MR. SCHAUBLE: Yes, Your Honor, could I -- again, in
5 addition to my general objection, I think we have -- could you
6 inquire of counsel, is the purpose for which this is being
7 offered, 236 being offered the same with respect to 234, or
8 does Counsel intend to go into the -- into the contents of
9 these documents?

10 MR. EMMONS: Your Honor, you will note that there
11 are handwritten markings on these versions of the draft, as
12 purchase agreements, and there will be questioning of
13 witnesses on those markings, simply as giving evidence of the
14 fact that Raystay was involved in considering these documents.
15 The contents are not important per se.

16 JUDGE CHACHKIN: All right. TBF Exhibit 236 is
17 received, and limited purpose indicated.

18 (Whereupon, the document referred to
19 as TBF Exhibit No. 236 was received
20 into evidence.)

21 JUDGE CHACHKIN: TBF Exhibit 237.

22 MR. SCHAUBLE: In a similarly related point, Your
23 Honor, I'd have the same objection. And I want -- if it's
24 okay to ask for clarify, am I correct that these are -- these
25 are portions of the pertinent documents, they're not the

1 entirety of the documents in question?

2 MR. EMMONS: Well, in response to that, I'd have to
3 say that I believe that these are, or I could be wrong, I
4 believe that these are the entirety of what was produced to
5 Trinity, in the nature of these documents, in the course of
6 discovery.

7 MR. SCHAUBLE: Your Honor, can we go off the record
8 for a second?

9 JUDGE CHACHKIN: All right.

10 (Off the record.)

11 (Back on the record.)

12 MR. EMMONS: Just to reaffirm what I just said, Your
13 Honor, as far as I know, this is the entirety of these
14 documents that we received in discovery. I believe I would
15 have -- we would have included more of the document if there
16 were more to be produced.

17 JUDGE CHACHKIN: And do you object?

18 MR. SCHAUBLE: Object for the same basis stated
19 previously.

20 JUDGE CHACHKIN: All right. TBF Exhibit 237 is
21 received.

22 (Whereupon, the document referred to
23 as TBF Exhibit No. 237 was received
24 into evidence.)

25 JUDGE CHACHKIN: 238, objections?

1 MR. SCHAUBLE: Yes, Your Honor, same objection
2 stated previously.

3 JUDGE CHACHKIN: TBF Exhibit 238 is received.
4 (Whereupon, the document referred to
5 as TBF Exhibit No. 238 was received
6 into evidence.)

7 JUDGE CHACHKIN: 239?

8 MR. SCHAUBLE: Yes, Your Honor, I object on the
9 basis, unlike -- I object on the basis of relevance, Your
10 Honor. This is sort of a two-fold objection.

11 The paragraph 1 which refers to construction
12 permits. I believe I would have the same sort of objection as
13 stated previously. With respect to paragraph 2, if Your Honor
14 is otherwise inclined to receive the document, not necessarily
15 object separately to paragraph 2, but I think I want for
16 background purposes, but I think I want a ruling for Your
17 Honor that the operations and negotiations concerning W40AF,
18 which is the station licensed LPTV station which Raystay
19 holds, it's not independent, it's not by itself relevant in
20 this proceeding.

21 JUDGE CHACHKIN: Mr. Emmons?

22 MR. EMMONS: Your Honor, addressing that last point,
23 the -- we believe that the -- let me back up here, and put
24 this in context by saying that this memorandum was, I think
25 the testimony will show, part of, or created by reason of

1 discussions between Raystay and Mr. Shatner about the possible
2 sale by Raystay to Mr. Shatner of all of these licenses and
3 permits that are reflected here.

4 The testimony I think will show, or at least there
5 will be testimony that I expect, that -- and in fact the
6 documents that you've already received, Your Honor, do reflect
7 that Raystay was negotiating to sell what is known as T.V. 40,
8 as well as the five construction permits, and it was part of a
9 package concept and that the decision to sell T.V. 40, we will
10 argue, is very strong evidence of Raystay's intent, or state
11 of mind to get out of the low collar business altogether and
12 that the sale of the construction permit was part and parcel
13 of that.

14 I think the testimony will show that this is all one
15 concept, Your Honor, that the permits were tied to T.V. 40,
16 they weren't considered separately by Raystay at all. And the
17 effort to sell the permits along with the simultaneous effort
18 to sell T.V. 40 is all reflected with the same course of
19 conduct.

20 MR. SCHAUBLE: Your Honor, if I may refer to that.
21 First of all, I don't think that -- I don't think that counsel
22 is correct in characterizing that the permits were never
23 considered separately from T.V. 40. And here we have the
24 situation where T.V. 40 has never been sold to this, and I
25 think to the extent that T.V. 40, you know, to the extent that

1 T.V. 40 is considered with the permits, you know, T.V. 40
2 portion I don't object to that on the basis of background.

3 But I object going -- I don't agree that with
4 Counsel's argument, that because there were negotiations going
5 on with T.V. 40, that that was necessarily probative of
6 Raystay's state of mind with respect to the construction
7 permits. I don't think the record will --

8 JUDGE CHACHKIN: Well, we'll have to see what the
9 record shows. But TBF Exhibit 239 is received.

10 (Whereupon, the document referred to
11 as TBF Exhibit No. 239 was received
12 into evidence.)

13 JUDGE CHACHKIN: 240?

14 MR. SCHAUBLE: Yes, Your Honor, I object to this.
15 Dennis Grolman is the individual who under the name Gross Ap
16 Communications, Inc., that eventually purchased the Red Lion
17 construction permit from Raystay.

18 And I believe Your Honor, that Red -- this is not an
19 instance where Red Lion was considered part and parcel of the
20 Lancaster -- the Lancaster and Lebanon permits. And as of the
21 fall of 1991, that any negotiations between Raystay and Mr.
22 Grolman were focused on the Red Lion construction permit.

23 JUDGE CHACHKIN: Solely -- solely the Red Lion, is
24 that what you're saying?

25 MR. SCHAUBLE: As of the fall of 1991, Your Honor.

1 There is some testimony that there may have been some earlier
2 than that, there may have been some very preliminary
3 discussions concerning the other permits, but there was -- I
4 believe there is no evidence that they ever got beyond most --
5 beyond a preliminary, very preliminary stage.

6 JUDGE CHACHKIN: Well, what you've told me, I'll
7 receive TBF Exhibit 240.

8 (Whereupon, the document referred to
9 as TBF Exhibit No. 240 was received
10 into evidence.)

11 MR. EMMONS: The next then let me identify, Your
12 Honor, Exhibits -- the next ten exhibits. TBF Exhibit 241 is
13 a 15 page document which is -- the first page of which is a
14 transmittal letter for an FCC form 345 application to assign
15 the construction permit of the Red Lion Low Power Station,
16 dated January 13, 1992. And the remainder of that Exhibit is
17 that application.

18 (Whereupon, the document referred to
19 as TBF Exhibit No. 241 was marked for
20 identification.)

21 MR. EMMONS: TBF Exhibit 242 is a one page telefax
22 cover sheet to David Gardner from John Schauble, dated
23 December 12, 1991.

24 (Whereupon, the document referred to
25 as TBF Exhibit No. 242 was marked for

1 identification.)

2 MR. EMMONS: Page 240 -- excuse me, TBF Exhibit 243
3 is a one page document which is a letter dated December 16,
4 1991 to David Gardner from John Schauble.

5 (Whereupon, the document referred to
6 as TBF Exhibit No. 243 was marked for
7 identification.)

8 MR. EMMONS: TBF Exhibit 244 is a one page
9 handwritten note dated December 18, 1991.

10 (Whereupon, the document referred to
11 as TBF Exhibit No. 244 was marked for
12 identification.)

13 MR. EMMONS: TBF Exhibit 245 is an Exhibit that
14 consists of a total of 16 pages constituting four separate
15 applications filed by Raystay Company with the Federal
16 Communications Commission on December 20, 1991, for extension
17 of the four low power construction permits for Lancaster and
18 Lebanon, Pennsylvania. There are blue divider pages which
19 separate one application from the next.

20 (Whereupon, the document referred to
21 as TBF Exhibit No. 245 was marked for
22 identification.)

23 MR. EMMONS: TBF Exhibit 246 is a declaration of
24 David A. Gardner, consisting of two pages, signed on June 3,
25 1993.

1 (Whereupon, the document referred to
2 as TBF Exhibit No. 246 was marked for
3 identification.)

4 MR. EMMONS: TBF Exhibit 247 is an Exhibit totalling
5 14 pages, constituting four modified construction permits for
6 the four Lebanon and Lancaster low power stations, reflecting
7 the Commission's grant of the first extension of each of those
8 permits.

9 (Whereupon, the document referred to
10 as TBF Exhibit No. 247 was marked for
11 identification.)

12 MR. EMMONS: TBF Exhibit 248 is a one page document,
13 letter signed by David A. Gardner, dated June 12, 1992.

14 (Whereupon, the document referred to
15 as TBF Exhibit No. 248 was marked for
16 identification.)

17 MR. EMMONS: TBF Exhibit 249 is a one page document,
18 a letter dated June 29, 1992 to David Gardner from John
19 Schauble.

20 (Whereupon, the document referred to
21 as TBF Exhibit No. 249 was marked for
22 identification.)

23 MR. EMMONS: And TBF Exhibit 250 is a one page
24 document dated June 30, 1992 to David Gardner from John
25 Schauble.

1 (Whereupon, the document referred to
2 as TBF Exhibit No. 250 was marked for
3 identification.)

4 JUDGE CHACHKIN: The documents described are marked
5 for identification as TBF Exhibits 241 through 250. And are
6 the documents being offered at this time, Mr. Emmons?

7 MR. EMMONS: Yes. All being offered, Your Honor.

8 JUDGE CHACHKIN: Any objections to these documents?

9 MR. SCHAUBLE: Yes, Your Honor.

10 JUDGE CHACHKIN: Well, let's start then with 241.
11 Objections?

12 MR. SCHAUBLE: Yes, Your Honor, I have an objection
13 on the basis of relevance. This is the Red Lion Assignment
14 Application. I respectfully submit to Your Honor, that there
15 is absolutely no connection here between -- at this point with
16 the Lancaster and Lebanon Construction permits. Obviously at
17 this point, Red Lion is being separated out here.

18 And there is another issue which I -- to which this
19 application is relevant, but I don't -- I don't see any
20 relevance of this application to this issue.

21 MR. EMMONS: Your Honor?

22 JUDGE CHACHKIN: Yes.

23 MR. EMMONS: The -- in our view, the sale of the Red
24 Lion permit which was one of the five permits, apparently is
25 the only one that Raystay succeeded in selling, reflects an